II. Settlement and Demarcation.

D. NATURE OF RIGHTS—*concluded.*

(i) in whom the right vests, namely, (*a*) the general public, (*b*) the inhabitants of any particular village or villages, to be named, (*c*) any private person or persons, to be specified by name;

(ii) the nature of the right, whether for men, animals or carts—a roadway, cart-track or path;

(iii) the width of the roadway or pathway; and

(iv) whether the way is marked on the village survey map or not. When the way is so marked, it should be distinctly decided that the way will lie along the route so marked. If for special reasons diversion is allowed, such diversion should be specified and its locality indicated as nearly as may be feasible, without actual survey.*

E. Nature of compensation to be made in commuting rights.

Various ways of commuting rights.

140. There is no objection to the commution, where necessary, by the Forest Settlement Officer of rights either by the payment of a lump sum, or by a cash allowance, or by remission of judi, or by giving land revenue free; but a cash payment would in most instances be most advisable in the interest of Government.†

Definition of the meaning of the Act regarding commuting rights.

141. The commutation of rights provided for in section 15 of the Act was intended to be, and according to the true construction of the terms of the section, is an extinguishment of the right commuted, for the consideration mentioned just as by section 10, an absolute surrender (sub-clause 2), or complete and permanent acquisition (sub-clause 3) of the rights dealt with by that section, are provided for. This view is supported by the terms of section 26, which appear to assume the operation of the Act on forest rights to be limited to extinguishment or absolute acquisition of the same, and by the fact that nowhere in the Act is there any trace of an intention that forest right should, under its provisions, be suspended or temporarily taken up by Government. The expression at the end of section 15 "in such other manner as he thinks fit" may be construed as having reference only to the consideration to be paid or given for the right commuted and these words cannot properly be interpreted as in any degree amplifying or affecting the meaning of the word "commuting" which must be read in its ordinary signification of exchanging, out-and-out and permanently. There seems no reason why a cash allowance, either permanent or temporary, and terminable at a fixed period or on the expiry of one or more lives, should not form the consideration for the commutation (*i. e.* permanent acquisition) of rights under section 15. The granting of such allowances, either permanent or temporary, in lieu of the rights commuted would be within the scope of the words "in such other manner as he thinks fit," at the close of the section, and no rule appears to me to be necessary to warrant the adoption of this course. There can be few forest rights for the permanent acquisition

* Government Resolution No. 8344, dated 22nd August 1907.
† Government Resolution No. 1190, dated 9th February 1885.

E. NATURE OF COMPENSATION TO BE MADE IN COMMUTING RIGHTS—*concluded.*

(commution) of which, terminable at periods more or less remote, according to the nature and value of the rights, would not be adequate compensation.*

F. Concerning appeals against orders passed by the Forest Settlement Officer.

Appeals under section 16, Indian Forest Act.

142. Section 16 of the Forest Act gives "right of appeal within three months from the date of the orders passed" and it follows that after that period there is no right of appeal against the awards of the Forest Settlement Officers.†

Powers under section 16, Indian Forest Act, of Assistant and Deputy Collectors to appeal against decisions of Forest Settlement Officer under section 15, Indian Forest Act.

143. The Assistant or Deputy Collector in charge of the táluka should be empowered, under section 16 of the Forest Act, to present an appeal against any order the Forest Settlement Officer under section 15 which may appear to him injurious to the interests of Government land revenue, so that all such cases may be brought under the review of the Collector. To enable the Assistant or Deputy Collector to decide whether an appeal should or should not be preferred, a copy of every decision passed by the Forest Settlement Officer under section 15 should be communicated to him by that officer.‡

A copy of orders passed by the Forest Settlement Officer should be sent to

144. Care should be taken that a copy of the Forest Settlement Officer's report and of any orders passed by him under section 11 of the Indian Forest Act, is communicated to the Conservator of Forests in time to enable him to prepare an appeal under section 16 within the period specified in that section, should such an appeal be deemed expedient.§

[NOTE.—For Conservator's powers under section 16, Indian Forest Act, read section 336, Standing Orders, Forest.]

Copy of awards of rights except right of way to be sent to

145. A copy of every award of a right against the forests, save of a right of way, in respect of any lands which may be made by a Forest Settlement Officer, should be forwarded through the Divisional Forest Officer, to the Conservator of Forests by the Forest Settlement Officer immediately upon the award being made.‖

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* Advocate General's No. 28, dated 8th November 1887, *vide* Government Resolution No. 8524, dated 15th December 1887.

† L. R. No. 765, dated 5th June 1884, *vide* Government Resolution No. 4888, dated 18th idem.

‡ Government Resolution No. 1190, dated 9th February 1885.

§ Government Resolution No. 4560, dated 6th August 1881.

‖ Government Resolutions No. 2988, dated 9th April 1884; and No. 278, dated 13th January 1890.